

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TRISTAR INVESTORS, INC.,

Plaintiff,

V.

AMERICAN TOWER CORPORATION, AMERICAN TOWERS LLC, AMERICAN TOWERS INC., AMERICAN TOWER GUARANTOR SUB, LLC, AMERICAN TOWER HOLDING SUB, LLC, AMERICAN TOWER ASSET SUB, LLC, AMERICAN TOWER ASSET SUB II, LLC, AMERICAN TOWER MANAGEMENT, LLC, AMERICAN TOWER L.P., SPECTRASITE COMMUNICATIONS, LLC, and AMERICAN TOWER, LLC.

Defendants.

**AMERICAN TOWER, LLC, SPECTRASITE
COMMUNICATIONS, LLC, and
AMERICAN TOWERS, LLC,**

Counter-Plaintiffs,

V.

TRISTAR INVESTORS, INC.,

Counter-Defendant.

AGREED ORDER

Pursuant to the Court's November 1, 2012 Order and Discovery Protocol, Plaintiff sent a letter initiating the discovery dispute process on December 14, 2012. Counsel for the parties conferred in person on December 26, 2012 and resolved certain disputed issues. The Court enters the following orders memorializing the parties' agreement.

The Court **ORDERS** Defendants to produce the following documents by January 9, 2013:

1. Defendants' master lease agreements (including any take-or-pay contracts) and any amendments or addenda thereto, with wireless carriers (e.g., AT&T, Verizon, Sprint, T-Mobile, Clearwire and Metro PCS or any affiliates of those entities).
2. The Agreements, and any amendments or addenda thereto, through which any Defendant or its affiliates obtained the right to use and/or acquire towers from SBC, AirTouch, and Alltel, or any affiliates, predecessors, or successors of those entities (commonly referred to as the "Sublease Agreements").
3. Defendants' board minutes and materials related to TriStar, land aggregators generally, or any of the 5,531 tower sites.
4. Defendants' correspondence, including emails, and documents exchanged with The Lyle Co. ("Lyle") regarding Lyle's negotiations with landowners for tower sites.

The Court further **ORDERS** Defendants to produce the following documents by January 31, 2013:

1. All remaining email communications responsive to the search terms agreed upon by the parties.
2. Database information regarding the 5,531 tower sites at issue, including but not limited to call notes and comments.
3. Defendants' site agreements and any amendments or addenda thereto, with wireless carriers (e.g., AT&T, Verizon, Sprint, T-Mobile, Clearwire and Metro PCS or any affiliates of those entities) for the 5,531 tower sites.
4. All other documents that Defendants have agreed to produce in this case.

The Court further **ORDERS** Defendants to supplement their responses to Plaintiff's Interrogatories 2-7 to provide answers that are responsive for all 5,531 sites at issue by January 31, 2013.

The Court further **ORDERS** Defendants to supplement interrogatory responses and document production regarding Defendants' plans and attempts to relocate towers and/or carriers for American Tower Site Nos. 85552, 4075, 4144, 92569, and 81894 by January 9, 2013. The Court further **ORDERS** Defendants to provide the same information for any other towers where they have plans or have made efforts to relocate towers and/or carriers by January 31, 2013.

SO ORDERED on this 7th day of January, 2013.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

AGREED:

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